

AO 91 (Rev. 08/09) Criminal Complaint

UNITED STATES DISTRICT COURT

United States District Court
Southern District of Texas
FILED

for the

Southern District of Texas

MAR - 2 2016

United States of America
v.
Francisco Javier RUIZ
DOB: 1987
United States Citizen

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)

David J. Bradley, Clerk

Case No. M-16-0380-M*Defendant(s)*

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of 09/24/2015 in the county of Hidalgo in the
Southern District of Texas, the defendant(s) violated:

*Code Section**Offense Description*

18 USC 922(g)(1)

possession of a firearm or ammunition, which has affected
interstate or foreign commerce, by an individual having been
convicted of a felony

This criminal complaint is based on these facts:

See Attachment A

☒ Continued on the attached sheet.

Approved by David A. Lintner
[Signature] 3/2/16

Sworn to before me and signed in my presence.

Date: March 2, 2016City and state: McAllen, Texas*[Signature]*

Complainant's signature

David B. Weiss - ATF Special Agent

Printed name and title

[Signature]

Judge's signature

U.S. Magistrate Peter Ormsby

Printed name and title

3:41 pm

ATTACHMENT A

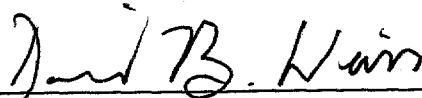
I, Special Agent David B. Weiss, affiant, do hereby depose and state the following:

I am a Special Agent of the United States Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF). I have been a law enforcement officer since April 2007.

1. My duties include the investigation of violations of Federal firearms laws. I know it to be unlawful for any person who has been convicted of a crime punishable by more than one year in prison to possess a firearm.
2. On Thursday, September 24, 2015, at approximately 4:00 PM, ATF Special Agents (SAs) Homeland Security Investigation (HSI) SAs and Texas Department of Public Safety (DPS)-Criminal Investigation Division (CID) Agents conducted a controlled firearm purchase operation from Francisco Javier RUIZ. As a result of this operation, a Gabilondo Y Cia Vitoria, Llama pistol, Caliber: .45, Serial number #A97036 was purchased for \$650.00 as evidence from Francisco Javier RUIZ
3. On Thursday, September 24, 2015, an ATF Cooperating Defendant (CD) traveled to the parking lot of a Whataburger Restaurant, located at 4017 N 23rd St, McAllen, TX 78504, to meet with RUIZ and purchase a handgun for \$650.00. The CD had spoken earlier with one Manuel RENDON-Garcia on the telephone about the purchase of firearms. RENDON had arranged for the possible purchase of an AR style rifle and handgun but told the CD that another person would call him to arrange the sale. Shortly thereafter the CD received a call from an unknown phone number, later identified as belonging to RUIZ. The CD called the number back and spoke with RUIZ to arrange purchase of the firearms. RUIZ stated that he only had the handgun available. The CD arranged to meet him at the Whataburger.

ATTACHMENT A

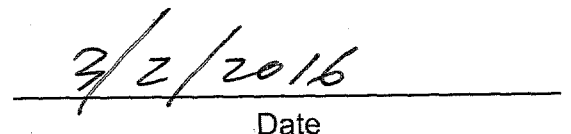
4. The CD arrived at Whataburger, at approximately 4:00 PM. A gray 2013 Dodge Ram truck with Texas license plate DRP4604 pulled into the Dairy Queen (DQ), located at 4101 N. 23rd street, McAllen, TX 78504, parking lot across the street. The CD drove over to the DQ parking lot and got out of his car. RUIZ got out of the truck and handed the CD a case which the CD opened to reveal the handgun. The CD gave RUIZ \$650.00 for the handgun, which was a Gabilondo Y Cia Vitoria, Llama pistol, Caliber: .45, Serial number #A97036.
5. Record checks show that RUIZ has a felony convictions for Criminal Negligent Homicide and Injury to a Child in December 2013. (CR-4504-06-D).
6. The Gabilondo Y Cia Vitoria, Llama pistol, Caliber: .45, Serial number #A97036 was inspected by an interstate nexus expert and found to have travelled in interstate or foreign commerce.



David B. Weiss - ATF Special Agent

Sworn to before me and subscribed in my presence,


U.S. Magistrate Peter Ormsby


Date